

MICHAEL BRENSKI SR

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DIVISION C

30TH JUDICIAL DISTRICT COURT

VERSUS

No.

98687

PARISH OF VERNON

USAA GENERAL INDEMNITY COMPANY

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK

PETITION FOR DAMAGES

The Petition of Plaintiff, **MICHAEL BRENSKI, SR**, domiciliary of Vernon Parish, Louisiana, respectfully represents:

1.

Made defendant in this suit for damages is **USAA GENERAL INDEMNITY COMPANY**, an insurance company providing UM coverage for **MICHAEL BRENSKI, SR**, doing business in the State of Louisiana, who may be served through the Louisiana Secretary of State, 8585 Archives Ave, Baton Rouge, LA 70809.

2.

On or about July 27, 2018, Plaintiff, **MICHAEL BRENSKI, SR**, was the driver of a 2017 Chevrolet Silverado when he was involved in an automobile accident. The automobile accident in which Plaintiff was involved occurred on US Hwy 171 at the intersection of La Hwy #3226 in Vernon Parish, Louisiana. Plaintiff, **MICHAEL BRENSKI, SR**, was headed North on US Hwy 171 and was stopped at the red light at the intersection when his vehicle was rear-ended by a 2004 Ford F-150 owned and operated by **VIRGIL R WILLIAMS** and insured by **TEXAS FARM BUREAU INSURANCE COMPANY**.

3.

The accident and resulting injuries and damages were caused by the fault, negligence and/or strict liability of **VIRGIL R. WILLIAMS** in the following, among other, particulars:

- A) Failure to see what should have been seen;
- B) Failure to maintain control of his vehicle;
- C) Failure to keep a proper lookout;

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- D) Failure to timely apply the brakes;
- E) Following too closely;
- F) Failure to yield right-of-way;
- G) Inattentive Driving;
- H) Failing to take appropriate action to avoid or mitigate the accident, when, in the exercise of due care, he should have had ample time and opportunity to do so;
- I) Violating the motor vehicle and traffic laws and ordinances of the State of Louisiana and the Parish of Vernon;

4.

As a result of the automobile accident referred to above, Plaintiff, **MICHAEL**

BRENSKI, SR, suffered the following injuries:

- a) Cervical Pain;
- b) Lumbar Pain;
- c) Bulging Discs;
- d) Radiculopathy;
- e) Sensory Peripheral Neuropathy;
- f) Upper Bilateral Shoulder Pain;

5.

As a result of the above injuries, Plaintiff, **MICHAEL BRENSKI, SR**, has suffered the following past, present and future damages:

- A. Pain and suffering;
- B. Loss of enjoyment of life;
- C. Loss of wages and/or earning capacity;
- D. Living expenses;
- E. Medical expenses;
- F. Emotional distress;
- G. Consortium, society and service;
- H. Interest;
- I. Costs;

6.

Plaintiff's claims exceed the available insurance provided to VIRGIL R.

WILLIAMS. Accordingly, VIRGIL R. WILLIAMS was an under-insured motorists at

the time of the accident.


7.

On the date of the above automobile accident, Defendant, **USAA GENERAL INDEMNITY COMPANY**, had issued a policy of Un-insured Motorist Coverage to Plaintiff, **MICHAEL BRENSKI, SR**, and therefore, Defendant, **USAA GENERAL INDEMNITY COMPANY**, is indebted and liable to Plaintiff, **MICHAEL BRENSKI, SR**, to the full extent of its policy.

THEREFORE, Plaintiff, **MICHAEL BRENSKI, SR**, prays:

- I. Defendants be served with a copy of this petition and duly cited to appear and answer the same;
- II. That after due proceedings had, there be judgment rendered herein in favor of Plaintiffs and against Defendants, **USAA GENERAL INDEMNITY COMPANY**, in solido, for such damages as are reasonable in the premises, together with the maximum legal interest from date of judicial demand until paid and for all costs of this proceeding;
- III. For full, general and equitable relief.


BY ATTORNEY:


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Bar No. 14404

SERVICE INSTRUCTIONS:

Please serve Defendants consistent with Paragraph 1 of the Petition for Damages.

I HEREBY CERTIFY THAT THE ABOVE AND
FOREGOING IS A TRUE AND CORRECT COPY
OF THE ORIGINAL


DUFFANY CHAUHAN
CLERK OF COURT, VERNON PARISH, LA

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